

S.R. 353 - By Lyon: Memorial resolution for Rockwall Fire Chief Benny Gracy.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 137 - By Farabee, Brooks, Glasgow, Mauzy, Truan: Extending congratulations to Mental Health Association on 50th anniversary.

S.C.R. 134 - By Barrientos: Extending congratulations to St. Edwards University on centennial anniversary.

S.R. 349 - By Sharp: Encouraging Texans to purchase 1985 stamps, decals and artwork depicting the whooping crane.

S.R. 352 - By Farabee: Extending congratulations to James L. Pearson.

S.R. 354 - By Washington: Extending congratulations to Ninth and Tenth Cavalry Association on occasion of 119th reunion.

S.R. 355 - By Mauzy: Extending congratulations to Charles E. Haddock.

S.R. 356 - By Krier: Extending congratulations to St. Philip's Episcopal School, Beeville on 30th anniversary.

S.R. 357 - By Leedom: Extending congratulations to Susanne Starling.

S.R. 358 - By Barrientos: Extending welcome to Third grade class of St. Austin's School.

S.R. 359 - By Sharp: Extending welcome to Dr. Rick Edwards, Capitol Physician for the Day.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:16 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(April 30, 1985)

S.B. 257 (Effective immediately)

S.B. 298 (Effective immediately)

S.B. 472 (Sections 44-46, effective
August 26, 1985; Sections 1-43,
effective March 1, 1986)

S.B. 473 (Effective immediately)

H.B. 1026 (Effective September 1, 1985)

SIXTY-FIRST DAY

(Wednesday, May 1, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford,

Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Lonnie Duvall, First Presbyterian Church of Lake Jackson, offered the invocation as follows:

God, our Father, we have no need to invoke Your presence in that we understand You are with us always. We would rather ask that You might invoke our awareness of Your presence to guide us in Your wisdom, to watch over those who in this place make decisions that affect us all. That they may be led to do that which is just and right in Your eyes, and that in all things we may ever strive to become more whole, more like unto Yourself and learn to care and love one another beyond and above all law, for we ask it humbly through Jesus Christ our Lord. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 1, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 15, Relating to appointment and removal of commissioners of a housing authority.

H.B. 95, Relating to the aggregation of amounts involved in the offense of criminal mischief.

H.B. 326, Relating to the practice of speech-language pathology or audiology by certain persons with speech, voice, language, or hearing disorders.

H.B. 356, Relating to certain requirements for a license as a speech-language pathologist or audiologist.

H.B. 479, Relating to the jurisdiction of statutory probate courts in actions involving wrongful death or survivorship.

H.B. 1112, Relating to providing employees with access to information relating to hazardous chemicals to which they may be exposed during their employment and to providing hazard information to emergency service.

H.B. 1149, Relating to the period of limitation applicable to a prosecution for indecency with a child.

H.B. 1219, Relating to costs incurred by a bank when required to disclose bank records.

H.B. 1248, Relating to the employment and commissioning of peace officers by the Dallas County Hospital District.

H.B. 1281, Relating to a documentary fee for services and costs related to transactions involving certain vehicles.

H.B. 1531, Relating to transportation allotment.

H.B. 1581, Relating to the establishment of a dental care advisory committee by the Texas Health and Human Services Coordinating Council and to the abolition of the Texas Board of Health Dental Advisory Committee.

H.B. 1588, Relating to high school equivalency examinations.

H.B. 1618, Relating to the registration of certain corporate names; authorizing and limiting the use of corporate names by domestic and foreign corporations.

H.B. 1776, Relating to the definition of "bet" for the purposes of the Penal Code prohibition against gambling.

H.B. 2107, Relating to permitting the Texas Employment Commission to borrow funds.

H.C.R. 92, Commending Mrs. Betty Jo Hay, president-elect of the National Mental Health Association.

H.C.R. 182, Honoring Recipients of the 1985 Texas Arts Awards.

H.C.R. 186, Honoring Frank Wardlaw.

S.C.R. 137, Congratulating the Mental Health Association in Texas on the occasion of its 50th anniversary and commend this outstanding organization for its admirable work.

S.B. 297, Relating to the service of alcoholic beverages by a private club in a hotel.

S.B. 332, Relating to requiring identifying markings on certain motor vehicles. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

S.R. 328

S.R. 195

H.C.R. 138 (Amended)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1297

S.B. 1298

S.B. 1337 (Amended)

S.B. 1378 (Amended)

S.B. 1187

S.B. 1397

H.B. 711 (Amended)

H.B. 1110

H.B. 1210

H.B. 1686

H.B. 1204

H.B. 794

S.B. 868

H.B. 2216
H.B. 783
C.S.S.B. 927
C.S.S.B. 755

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 960
C.S.S.B. 1101

Senator Caperton submitted the following report for the Committee on Criminal Justice:

H.B. 10 (Amended)
S.B. 1257
S.B. 1277 (Amended)
C.S.S.B. 453
C.S.S.B. 704
C.S.S.B. 1308
C.S.S.B. 1107
C.S.H.B. 44
C.S.S.B. 1108
C.S.S.B. 589

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 749
C.S.S.B. 794
C.S.S.B. 1152
C.S.S.B. 1150
C.S.H.B. 1957

Senator Parker submitted the following report for the Committee on Education:

S.B. 1385
S.B. 223 (Amended)
C.S.S.B. 1091

Senator Jones submitted the following report for the Committee on Finance:

C.S.H.B. 20

Senator Howard submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the TEXAS AERONAUTICS COMMISSION: Stephen E. Cone, Jr., Lubbock County.

To be a Member of the STATE SECURITIES BOARD: Alan D. Feld, Dallas County.

To be Members of the BOARD OF REGENTS, TEXAS TECH UNIVERSITY: J. Fred Bucy, Dallas County; Wendell Mayes, Jr., Travis County; William Gordon McGee, M.D., El Paso County.

S.B. 1418 by Montford State Affairs
 Relating to a program to reward state employees for employee recommendations
 that improve state government efficiency.

S.B. 1419 by Lyon Education
Relating to the Price Differential Index.

S.B. 1420 by Truan Natural Resources
Relating to compensation for directors of the San Patricio County Drainage District.

S.B. 1421 by Sharp Intergovernmental Relations
Relating to the acquisition by purchase of existing roads by a road district; adding Section 4.447 to the County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes).

S.B. 1422 by Glasgow Natural Resources
Relating to the terms of office of the directors of the Wise County Water Control and Improvement District No. 1.

S.C.R. 132 by Leedom Finance
Providing for an appendix to be published in Senate and House daily Journals reflecting the appropriation effect of legislation passed in each House.

S.C.R. 133 by Barrientos State Affairs
Encouraging the commercial development of space.

S.C.R. 139 by Brooks Health and Human Resources
Directing the Health and Human Services Coordinating Council to conduct a study of school-age latch-key children in Texas.

S.C.R. 140 by Brown Jurisprudence
Granting Stella Lerma permission to sue the State of Texas.

SENATE CONCURRENT RESOLUTION 138

Senator McFarland offered the following resolution:

S.C.R. 138, Extending congratulations to Fort Worth Star-Telegram, winner of Pulitzer Prize for Public Service.

The resolution was read.

On motion of Senator McFarland and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 351

Senator Parker offered the following resolution:

S.R. 351, Expressing pride and gratitude to all older Texans and declaring May 1, 1985, as Senior Day.

The resolution was read, and was adopted.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Parker introduced a large delegation of older Texans seated in the gallery.

The Senate expressed their welcome.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 30, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE FINANCE COMMISSION OF TEXAS:

For a term to expire February 1, 1991:

RICHARD H. SKINNER

3209 Huntingdon Place

Houston, Texas 77019

(Mr. Skinner is replacing Mr. Ronald Lee Kellett of Kingsville, Kleberg County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White
Governor of Texas

GUESTS PRESENTED

Senator Caperton was recognized and introduced Dr. Lonnie G. Hermann of Navasota, the Capitol Physician for the Day.

The Senate welcomed Dr. Hermann, accompanied by his wife, and expressed appreciation to Dr. Hermann for his service.

SENATE BILL 245 WITH HOUSE AMENDMENTS

Senator Henderson called S.B. 245 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Eckels

Substitute the following for S.B. 245:

**A BILL TO BE ENTITLED
AN ACT**

relating to the authority of counties to provide law enforcement services on a fee basis and to duties of deputies; adding Article 1581b-2 to Title 33, Revised Statutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 33, Revised Statutes, is amended by adding Article 1581b-2 to read as follows:

"Article 1581b-2. CONTRACTS FOR LAW ENFORCEMENT SERVICES
ON A FEE BASIS

"Section 1. To protect the public interest, the commissioners court of a county may contract with a nongovernmental association for the provision of law enforcement services by the county on a fee basis in the geographical area represented by the association.

"Section 2. (a) The commissioners court shall determine the amount of the fee based on the total cost of the services including salaries and any additional expenses the county may incur in providing the services.

“(b) The contract must provide for the payment of the fees to the county. The fees shall be deposited in the general fund of the county.”

“Section 3. (a) The commissioners court shall request the sheriff of the county or with the consent of the sheriff of the county, a county official who has law enforcement authority to provide the services in the geographical area for which the official was elected or appointed.”

“(b) If the sheriff or county official agrees to provide the services, the sheriff or official may provide the services by using deputies. The sheriff or county official retains authority to supervise the deputies who provide the services and, in an emergency, may reassign the deputies to duties other than those to be performed under the contract.”

“(c) A deputy shall perform duties under the contract in the same manner as if the deputy were performing the duties in the absence of the contract.”

“(d) A deputy performing duties under the contract remains a county employee subject to the same benefits and restrictions as any other deputy.”

“(e) A deputy performing duties under the contract shall submit written copies of any felony offense report and subsequent copies of investigative reports to the sheriff and any municipal police department in the county that serves the area under contract.”

“(f) A deputy performing duties in an area served by a municipal police department shall promptly notify the police department of his receipt and response to a complaint constituting a felony offense and upon request shall secure and preserve the scene of such offense for a reasonable time until the arrival of a representative of the municipal police department. The county and municipal departments shall cooperate in any criminal investigation to the greatest degree which is practical. However, nothing in this subsection shall be construed to prohibit a county or municipal officer from performing any duties which are required of a peace officer.”

“(g) If any part of the geographical area subject to the contract is located within a municipality, the county shall deliver a copy of the contract to the governing body of the municipality and the contract may not take effect until at least 30 days have expired after the day on which the municipality receives the copy. During the 30-day period the governing body of the municipality may make recommendations and comments to the commissioners court regarding the proposed contract. However, if during this 30-day period the municipality contracts with the nongovernmental association to provide on a fee basis the same law enforcement services that the county contracted to provide to the area, the county’s contract becomes void on the day the municipality makes its contract. If the municipality does not make the contract during the 30-day period, the county’s contract takes effect according to its terms.”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1 - Toomey

Amend C.S.S.B. 245 PAGE 1 SECTION 1 as follows:

In Sec. 2., add the following as subsection (c):

(c) The fees charged by the county shall recover 100 percent of the cost to the county for supplying the law enforcement services. In the event the sheriff’s or county official’s time is prorated between services to the political subdivision and a non-governmental association, the total costs to the association shall be so prorated.

Floor Amendment No. 2 - Toomey

Amend C.S.S.B. 245 PAGE 1 SECTION 1 as follows:

Delete the following: "with the consent of the sheriff of the county," in LINE 22.

Add a comma (,) after the word "authority" in LINE 23.

Floor Amendment No. 3 - Dutton

Amend C.S.S.B. 245 on page 3 by striking Subsection (g) and substituting a new Subsection (g) to read as follows:

(g) If, under a proposed contract, the county would provide law enforcement services within the corporate limits of a city, the county shall submit a copy of the proposed contract to the city for approval. The governing body of the city, after considering the individual contract, may disapprove the contract not later than the 30th day after the date the contract is received in the city offices. If the governing body of the city approves the contract or takes no action for the 30 days, the county may enter into the contract as provided in this article. The city and its officers and employees are not liable for any damage caused by the acts of a county official or employee providing services under the contract within the city. If the governing body of the city disapproves the contract, the county may not enter into the contract.

Floor Amendment No. 4 - Toomey

Amend C.S.S.B. 245 PAGE 1 SECTION 1 as follows:

In subsection (c) of Sec. 2., insert after "prorated", as provided in the contract.

The amendments were read.

Senator Henderson moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 245 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Henderson, Chairman; Brown, Williams, Howard and McFarland.

SENATE BILL 1132 WITH HOUSE AMENDMENTS

Senator Mauzy called S.B. 1132 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - Cain

Amend S.B. 1132, Section 3, page 11, by deleting lines 10 through 13, substituting the following, and renumbering the subsections accordingly:

(2) the contract is for construction for which not more than one bid or proposal is received;

(3) the contract is for services or property for which there is only one source or for which it is otherwise impracticable to obtain competition;

Committee Amendment No. 2 - Cain

Amend **S.B. 1132**, Section 3, page 10, line 26, by deleting “other” between “and” and “property”.

The amendments were read.

Senator Mauzy moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

SENATE BILL 371 WITH HOUSE AMENDMENT

Senator Brooks called **S.B. 371** from the President’s table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Amendment No. 1 - Jackson and Schlueter

Amend **S.B. 371** as follows:

(1) On pages 6-10, strike Sections 2-4 and substitute the following:

SECTION 2. Chapter 2, Title 61, Revised Statutes, is amended by adding Article 3927d to read as follows:

Art. 3927d. ADDITIONAL FILING FEE—DIVORCES. (a) The clerk of the district court or other court having jurisdiction of a suit for divorce shall on the filing of a suit for divorce collect an additional fee of \$25.

(b) Not later than the 10th day of each month, the district clerk, county clerk, or county recorder shall send to the comptroller of public accounts \$22.50 of each fee collected during the preceding month under this article.

(c) The comptroller shall deposit the money received under this article to the credit of the children’s trust fund established under Section 74.006, Human Resources Code.

(2) On pages 10-11, renumber Sections 5-7 as Sections 3-5.

The amendment was read.

Senator Brooks moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 371** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Brooks, Chairman; Farabee, Edwards, Whitmire and Truan.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members’ desks and gave notice that a Local and Uncontested

Bills Calendar would be held at 8:15 o'clock a.m. on Thursday, May 2, 1985, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

COMMITTEE SUBSTITUTE SENATE BILL 770 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 770, Relating to the approval and form of bonds; transactions and fees concerning the issuance, sale, exchange, and redemption of bonds; perfection of pledges or liens relating to the security of bonds or transactions.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **C.S.S.B. 770**, printed version, Section 1, Subsection 2, by striking line 44 beginning with the sentence "The attorney general", through line 57 inclusive.

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 770 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 770** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 719 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 719, Authorizing and limiting transactions with funds and assets of Texas domestic insurers; amending Article 21.39-B of Chapter 21, Insurance Code of Texas; repealing laws in conflict; and declaring an emergency.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **C.S.S.B. 719** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Barrientos, Lyon, Mauzy.

Absent: Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Barrientos, Lyon and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 719 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 719 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Barrientos, Lyon, Mauzy.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 1147 ON THIRD READING

The President laid before the Senate on its third reading and final passage:

C.S.H.B. 1147, Relating to the payment and rates of tuition charged by an institution of higher education, the classification of certain students as residents for tuition purposes, and the amount of tuition set aside for Texas Public Educational Grants or the repayment of certain student loans.

The bill was read third time.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 1147** by striking all below the enacting clause and substituting the following:

SECTION 1. Subsection (a)-(n), Section 54.051, Education Code, are amended to read as follows:

(a) In this section:

(1) "Cost of education" means the applicable cost of education determined by the Coordinating Board, Texas College and University System, under Section 54.0511 of this code.

(2) "General academic teaching institution" has the meaning assigned by Section 61.003(3) of this code.

(3) "Public junior college" has the meaning assigned by Section 61.003(2) of this code.

(b) The governing board of each institution of higher education and of the Texas State Technical Institute shall cause to be collected from students registering at the institution tuition or registration fees at the rates prescribed in this section.

(c) Unless a different rate is specified by this section, tuition [(b)—Tuition] for a resident student at a general academic teaching institution is the greater of:

(1) \$100 for each semester or 12-week summer session and \$50 for each six-week summer term; or

(2) \$24 per semester credit hour [students, except as otherwise hereinafter provided, is \$4 per semester credit hour, but the total of such charge shall

be not less than \$50 per semester or 12-week summer session, and not less than \$25 per 6-week summer term].

(d) Unless a different rate is specified by this section: [(c) For the academic year beginning Fall, 1985, and for the Summer Session, 1986], tuition for a nonresident student at a general academic teaching institution is an amount per semester credit hour equal to 100 percent of the cost of education [students, except as otherwise hereinafter provided, is \$46 per semester credit hour. For the academic year beginning Fall, 1986, and for the Summer Session, 1987, tuition for nonresident students, except as otherwise hereinafter provided, is \$53 per semester credit hour].

(e) Tuition for a resident student [(d) Resident or nonresident students] registered only for thesis or dissertation credit that [only, in those instances where such credit] is the final credit hour requirement for the degree in progress is determined by the governing board of the institution in which the student is enrolled[; shall pay a sum proportionately less than herein prescribed but not more than \$50].

(f) [(e)] Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree is \$5,463 per academic year [students registered in a medical or dental branch, school or college is \$400 per academic year of 12 months].

[(f)] Tuition for a nonresident student enrolled in a program leading to an M.D. or D.O. degree is an amount per year equal to four times the rate that a resident student enrolled in a program leading to an M.D. or D.O. degree would pay during the corresponding academic year [students registered in a medical or dental branch, school or college is \$1,200 per academic year of 12 months].

(g) Tuition for a resident student enrolled in a program leading to a D.D.S. degree is \$4,511 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.D.S. degree is an amount per year equal to four times the rate that a resident student enrolled in a program leading to a D.D.S. degree would pay during the corresponding academic year.

(h) Tuition for a resident student enrolled in a program leading to a D.V.M. degree is \$4,800 per academic year. Tuition for a nonresident student enrolled in a program leading to a D.V.M. degree is an amount per year equal to four times the rate that a resident student enrolled in a program leading to a D.V.M. degree would pay during the corresponding academic year.

(i) Tuition for a resident student registered at a law school is \$60 per semester credit hour. Tuition for a nonresident student registered at a law school is \$150 per semester credit hour.

(j) Tuition for a student registered in a program leading to a degree in nursing or in an allied health profession is the same as for students with the same residency registered at a general academic teaching institution.

(k) Tuition for a resident student registered at the Texas State Technical Institute is the greater of \$50 or an amount set by the governing board of the institute at not less than \$8 per semester credit hour. Tuition for a nonresident student registered at the Texas State Technical Institute is an amount set by the governing board of the institute at not less than \$80 per semester credit hour.

(l) [(g)] Resident students or nonresident students registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee, in addition to the regular tuition, set [said fee to be designated] by the governing board of the [such] institution[; but in no event shall such fees be more per course per semester of four and one-half months or per summer session than \$75].

(m) Tuition [(h) During the academic years and summer sessions, Fall, 1985, through the Summer Session, 1987, tuition] for students who are citizens of any country other than the United States of America is the same as [1.5 times] the tuition required of other nonresident students.

~~[(i) During the academic years and summer sessions, Fall, 1985, through the Summer Session, 1987, tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college is 1.5 times the tuition required of other nonresident students.]~~

~~(n) [(j)] Tuition for a resident student [nonresident students] registered in a public junior college is determined by the governing board of each institution, but the tuition may not be less than \$4 for each semester credit hour and may not total less than \$25 for a semester. Tuition for a nonresident student is determined by the governing board of each institution but the tuition may not be less than \$200 for each semester [as provided in Subsection (b), Section 130.003 of the Texas Education Code].~~

~~[(k) Tuition for students registered in a school of nursing as a nursing student is \$50 per semester and per 12-week summer session.~~

~~[(l) Tuition for students registered in a school of nursing as a nursing student for less than 12 semester credit hours of work or for less than a full semester credit hour or term hour load during a summer session shall pay an amount proportionately less than the amount provided in Subsection (k) of this section, but not less than \$20.~~

~~[(n) Notwithstanding the preceding provisions of this section, any nonresident student who is enrolled for the spring semester of 1971 in an institution covered by this section may continue to enroll at the same institution at the same tuition rate that was effective at the time of his original enrollment until one of the following conditions first occurs:~~

~~[(1) he receives the degree at the degree level (i.e., the baccalaureate, master's, or doctoral degree) toward which he is working during the spring semester of 1971; or~~

~~[(2) he voluntarily withdraws from the institution or the institution involuntarily withdraws the student for disciplinary reasons or for failing to meet the academic standards of the institution; or~~

~~[(3) the termination of the spring semester of 1975.]~~

SECTION 2. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.0511 to read as follows:

Sec. 54.0511. COST OF EDUCATION. (a) Not later than January 1 of each odd-numbered year, the Coordinating Board, Texas College and University System, by rule shall calculate in accordance with this section the average cost of education of a student during the fiscal biennium that includes that year for general academic teaching institutions.

(b) The cost of education is the average amount appropriated for the biennium from the general revenue fund and the estimated educational and general income for the biennium, as stated in the General Appropriations Act, for each semester credit hour. In determining the amount appropriated during a biennium for each semester credit hour, the coordinating board shall exclude appropriations for special items, new construction, or repair or rehabilitation of a facility.

(c) Not later than January 1 of each year, the coordinating board shall calculate the tuition based on the cost of education to be charged students for each semester credit hour during the succeeding academic year. The tuition rates set by the coordinating board under this subsection shall be uniform for all general academic teaching institutions.

(d) The coordinating board shall report the tuition rates to the appropriate institutions as soon as possible after the rates are determined.

SECTION 3. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.0512 to read as follows:

Sec. 54.0512. INTERIM TUITION RATES. (a) Notwithstanding Section 54.051 of this code, tuition for the applicable academic years is as provided by this section.

(b) Tuition for a resident student at a general academic teaching institution is the greater of \$100 for each semester or 12-week summer session and \$50 for each six-week summer term or:

- (1) for the 1985-1986 academic year, \$12 per semester credit hour;
- (2) for the 1986-1987, 1987-1988, and 1988-1989 academic years, \$16 per semester credit hour;
- (3) for the 1989-1990 and 1990-1991 academic years, \$18 per semester credit hour;
- (4) for the 1991-1992 and 1992-1993 academic years, \$20 per semester credit hour; and
- (5) for the 1993-1994 and 1994-1995 academic years, \$22 per semester credit hour.

(c) Tuition for a nonresident student at a general academic teaching institution for the 1985-1986 and 1986-1987 academic years is \$120 per semester credit hour.

(d) Tuition for a resident student enrolled in a program leading to an M.D. or D.O. degree is:

- (1) for the 1985-1986 academic year, \$1,219;
- (2) for the 1986-1987 academic year, \$2,400;
- (3) for the 1987-1988 academic year, \$3,600; and
- (4) for the 1988-1989 academic year, \$4,800.

(e) Tuition for a resident student enrolled in a program leading to a D.D.S. degree is:

- (1) for the 1985-1986 academic year, \$900;
- (2) for the 1986-1987 academic year, \$1,600;
- (3) for the 1987-1988 academic year, \$2,500; and
- (4) for the 1988-1989 academic year, \$3,500.

(f) Tuition for a resident student enrolled in a program leading to a D.V.M. degree is:

- (1) for the 1985-1986 academic year, \$800;
- (2) for the 1986-1987 academic year, \$1,200;
- (3) for the 1987-1988 academic year, \$2,400; and
- (4) for the 1988-1989 academic year, \$3,600.

(g) Tuition for a resident student registered at a law school is:

- (1) for the 1985-1986 academic year, \$24 per semester credit hour;
- (2) for the 1986-1987 academic year, \$36 per semester credit hour;

and

- (3) for the 1987-1988 academic year, \$48 per semester credit hour.

(h) Tuition for academic years not specifically covered by this section is at the rates provided by Section 54.051 of this code. This section expires January 1, 1996.

SECTION 4. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.0521 to read as follows:

Sec. 54.0521. OATH OF RESIDENCY. (a) Before an individual may register at an institution of higher education paying tuition at the rate provided for residents, the individual must affirm under oath, to the appropriate official at the institution, that the individual is entitled to be classified as a resident for purposes of tuition.

(b) If the institution later determines that the individual was not entitled to be classified as a resident at the time of the individual's registration, the individual shall, not later than 30 days after the date the individual is notified of the determination, pay to the institution the amount the individual should have paid as a nonresident.

(c) If the individual fails to make a timely payment as required by this section, the individual is not entitled to receive a transcript or to receive credit for courses taken during the time the individual was falsely registered as a resident student.

SECTION 5. Section 54.056, Education Code, is amended to read as follows:

Sec. 54.056. ~~EFFECT OF MARRIAGE. A [nonresident who marries and remains married to a resident of Texas, classified as such under this chapter at the time of the marriage and at the time the nonresident registers, is entitled to pay the resident tuition fee regardless of the length of time he has lived in Texas, and any] student who is a resident of Texas and who marries a nonresident is entitled to pay the resident tuition fee as long as the student [he] does not adopt the legal residence of the spouse in another state.~~

SECTION 6. Subsection (b), Section 54.058, Education Code, is amended to read as follows:

(b) ~~A person who is an [An] officer, enlisted person [man or woman], selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, [Texas State Guard,] Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas, and the spouse and children of such an officer, enlisted person, selectee, or draftee, are [is] entitled to register [himself, his spouse, and their children] in a state institution of higher education by paying the tuition fee and other fees or charges required of Texas residents, without regard to the length of time the officer, enlisted person, selectee, or draftee [he] has been assigned to duty or resided in the state. However, out-of-state Army National Guard or Air National Guard members attending training with Texas Army or Air National Guard units under National Guard Bureau regulations may not be exempted from nonresident tuition by virtue of that training status nor may out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves training with units in Texas under similar regulations be exempted from nonresident tuition by virtue of that training status. It is the intent of the legislature that only those members of the Army or Air National Guard[, Texas State Guard,] or other reserve forces mentioned above be exempted from the nonresident tuition fee and other fees and charges only when they become members of Texas units of the military organizations mentioned above.~~

SECTION 7. Section 54.059, Education Code, is amended to read as follows:

Sec. 54.059. ~~FACULTY AND[, STAFF,] DEPENDENTS. A teacher or[;] professor[, or other employee] of an institution of higher education, and the spouse and children of such a teacher or professor, are [is] entitled to register [himself, his spouse, and their children] in an institution of higher education by paying the tuition fee and other fees or charges required for Texas residents without regard to the length of time the teacher or professor [he] has resided in Texas. A teacher or[;] professor[, or other employee] of an institution of higher education and the teacher's or professor's family are entitled to the benefit of this section if the teacher or professor is [any person] employed at least one-half time on a regular monthly salary basis by an institution of higher education.~~

SECTION 8. Section 54.051(o), Education Code, is renumbered as Section 54.063 and amended to read as follows:

Sec. 54.063. ~~TEACHING OR RESEARCH ASSISTANT. [(o)] A teaching assistant or[;] research assistant[, or other student employee] of any institution of higher education and the spouse and children of such a teaching assistant or research assistant, are [covered by this section is] entitled to register [himself, his spouse, and their children] in a state institution of higher education by paying the tuition fees and other fees or charges required for Texas residents under Section 54.051 of this code, without regard to the length of time the assistant [he] has resided in Texas, if the assistant[, provided that said student employee] is employed at least one-half time in a teaching or research assistant position which relates to the assistant's [his] degree program under rules and regulations established by the employer institution. [This exemption shall continue for students employed~~

two consecutive semesters through the summer session following such employment if the institution is unable to provide employment and, as determined under standards established by the institution, if the employee has satisfactorily completed his employment.]

SECTION 9. Section 54.051(p), Education Code, is renumbered as Section 54.064 and amended to read as follows:

Sec. 54.064. SCHOLARSHIP STUDENT. (a) [(p)] A student who holds a competitive academic scholarship of at least \$200 for the academic year or summer for which the student [he] is enrolled and who is either a nonresident or a citizen of a country other than the United States of America is entitled to pay the fees and charges required of Texas residents without regard to the length of time the student [he] has resided in Texas. The student[, provided that he] must compete with other students, including Texas residents, for the academic scholarship and [that] the scholarship must be awarded by a scholarship committee officially recognized by the administration and be approved by the Coordinating Board, Texas College and University System, under criteria developed by the board [of the institution of higher education].

(b) Beginning with the 1989-1990 academic year, the total number of students at an institution paying resident tuition under this section for a particular semester may not exceed two percent of the total number of students registered at the institution for the same semester of the preceding academic year.

SECTION 10. Subchapter A, Chapter 54, Education Code, is amended by adding Section 54.007 to read as follows:

Sec. 54.007. OPTION TO PAY TUITION BY INSTALLMENT. (a) The governing board of each institution of higher education other than a junior college shall provide for the payment of tuition and fees during the fall and spring semesters through the following alternatives:

(1) full payment of tuition and fees in advance of the beginning of the semester;

(2) one-half payment of tuition and fees in advance of the beginning of the semester and one-half payment prior to the start of the eighth class week; or

(3) one-fourth payment of tuition and fees in advance of the beginning of the semester and separate one-fourth payments prior to the fourth, eighth, and twelfth class weeks.

(b) The governing board may assess and collect incidental fees for students utilizing payment alternative (2) or (3) under Subsection (a) of this section and for students delinquent in payments. The fees must reasonably reflect the cost to the institution of handling those payments.

(c) A student who fails to make full payment of tuition and fees, including any incidental fees, by the due date shall be barred from classes until full payment is made. A student who fails to make payment prior to the end of the semester may not receive credit for the work done that semester. University records may be adjusted to reflect the student's failure to have properly enrolled for that semester.

SECTION 11. Subsections (b) and (d), Section 54.207, Education Code, are amended to read as follows:

(b) Ten students from each nation, as authorized in Subsection (a)(1) of this section, shall be exempt as provided in this subsection. In the event any nation fails to have 10 students available and qualified for exemption, additional students from the other nations may be exempted, subject to the approval of the Coordinating Board, Texas College and University System, [State Board of Education] and allocation by it. However, not more than 235 students from all the nations shall be exempt each year. In the event the nation designated in Subsection (a)(2) of this section fails to have 35 students available and qualified for exemption within a reasonable time, additional students from other nations may be exempt, subject to the approval of the coordinating board [State Board of Education].

(d) The coordinating board [State Board of Education], after consultation with representatives of the governing boards of the institutions of higher education, shall formulate and prescribe a plan governing the admission and distribution of all applicants desiring to qualify under the provisions of this section.

SECTION 12. Section 56.033, Education Code, is amended to read as follows:

Sec. 56.033. SOURCE OF PROGRAM FUNDING. (a) The governing boards of institutions of higher education and the Texas State Technical Institute shall cause to be set aside [for use as Texas Public Educational Grants]:

(1) for the 1987-1988 and subsequent academic years, not less than nine percent nor more than 15 percent [twenty-five cents] out of each resident student's tuition [hourly] charge under Section 54.051 of this code as provided by the General Appropriations Act for the applicable academic year; in specifying the percentage to be set aside under this subdivision, the legislature shall consider the recommendations of the Select Committee on Higher Education established by H.C.R. No. 105, Acts of the 69th Legislature, Regular Session, 1985;

(2) three percent [in Subsection (b), \$1.50] out of each nonresident student's tuition [hourly] charge under [in Subsection (c) of] Section 54.051 of this code; [as amended, and]

(3) 25 cents out of each resident student's hourly tuition charge, and \$1.50 out of each nonresident student's hourly tuition charge, for academic courses at public community and junior colleges; and

(4) six percent of hourly tuition charges for vocational-technical courses at public community and junior colleges.

(b) Of the funds set aside under this section by an institution other than a public community or junior college, not more than 80 percent shall be used for Texas Public Education Grants and not less than 20 percent shall be used for emergency loans under Subchapter D of this chapter.

(c) Funds set aside for Texas Public Education Grants under this section from tuition paid by resident students may be used only for grants awarded to resident students. Funds set aside for those grants under this section from tuition paid by nonresident students may be used only for grants awarded to nonresident students and students who are citizens of countries other than the United States.

SECTION 13. Chapter 56, Education Code, is amended by adding Sections 56.0331 and 56.039 to read as follows:

Sec. 56.0331. TEMPORARY PROVISION. (a) Notwithstanding Section 56.033 of this code, for the 1985-1986 and 1986-1987 academic years, the governing board of each institution of higher education, other than a public community or junior college, and the Texas State Technical Institute shall cause to be set aside amounts as provided by this section for use as Texas Public Educational Grants and as emergency loans under Subchapter D, Chapter 56, of this code.

(b) For the 1985-1986 and the 1986-1987 academic years, 15 percent of each resident student's tuition charge shall be set aside from the student's tuition charge under Section 54.051 of this code.

(c) For the 1985-1986 and 1986-1987 academic years, five percent of each student's tuition charge shall be set aside from each nonresident student's tuition charge under Section 54.051 of this code.

(d) This section expires September 1, 1988.

Sec. 56.039. FULL USE OF FUNDS. (a) At the end of a fiscal year, if the total amount of unencumbered funds that have been set aside under this subchapter by an institution of higher education, together with the total amount of unencumbered funds transferred by that institution to the Coordinating Board, Texas College and University System, exceeds 150 percent of the amount of funds set aside by that institution in that fiscal year, the institution shall transfer the excess

amount to the coordinating board. The coordinating board shall use funds transferred under this section to award scholarships as provided by law to students at institutions other than the institution that transferred the funds.

SECTION 14. Section 56.035, Education Code, is amended to read as follows:

Sec. 56.035. TYPE OF GRANTS TO BE AWARDED ~~[AND RESTRICTIONS]~~. ~~[(a)]~~ Texas Public Educational Grants shall not be awarded for any specific purpose other than meeting all or part of a student's demonstrated financial need.

~~[(b) No more than 10 percent of total grant funds awarded by institutions of higher education in a fiscal year under this subchapter may be allocated to out-of-state students.~~

~~[(c) No funds may be awarded to alien students nor any money set aside from tuition revenues of alien students for use in this program.]~~

SECTION 15. (a) Chapter 56, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. EMERGENCY TUITION AND FEES LOANS

Sec. 56.051. EMERGENCY LOANS. Each institution of higher education other than a junior college shall establish an emergency loan program under which students are loaned money to pay tuition and fees.

Sec. 56.052. ELIGIBILITY. The governing board of each institution shall adopt rules establishing eligibility criteria. The rules must allow eligible students to obtain loans on the basis of the order of receipt of applications.

Sec. 56.053. TERMS. (a) The governing board of each institution shall adopt rules providing for the terms of the loan, subject to the following:

(1) the loan must be repaid over a period not to exceed 90 days for a loan made for a regular semester or long summer session or over a proportionately shorter period for loans made for a six-week summer session;

(2) the loan must be evidenced by a promissory note that bears interest at a rate of not more than five percent per year; and

(3) the maximum loan amount per student may not be less than an amount equal to the tuition and required fees for the courses in which the student is actually enrolling.

(b) The loan program must provide for making loans to students whose tuition is paid on a basis other than semester credit hours, and must provide loan terms analogous to the terms for students paying tuition on the basis of semester credit hours.

Sec. 56.054. SOURCE OF PROGRAM FUNDING. The loans shall be made from the funds set aside for that purpose under Section 56.033 of this code.

(b) The title of Chapter 56, Education Code, is amended to read as follows:
CHAPTER 56. STUDENT FINANCIAL ASSISTANCE [GRANTS]

SECTION 16. Section 130.003(b), Education Code, is amended to read as follows:

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 61.063 of this code;

(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required by Section 54.051 of this code ~~[and provided by law for other state-supported institutions of higher~~

education], except, however, the governing board of a public junior college district may waive the difference in the rate of tuition for nonresident and resident students for a person, and his dependents, who owns property which is subject to ad valorem taxation by the junior college district[; ~~that the amount charged nonresidents who have not received a waiver of nonresident tuition need not be greater than the amount so required by law on January 1, 1971, and that notwithstanding the provisions of Subsection (b) of Section 54.051 of this code, the minimum tuition charge for resident students shall be \$25];~~

(5) grant, when properly applied for, the scholarships and tuition exemptions provided for in this code; and

(6) nothing in this section shall be construed to alter, amend, or repeal Section 54.060 of this code.

SECTION 17. Subchapter C, Chapter 52, Education Code, is amended by adding Section 52.41 to read as follows:

Sec. 52.41. MEDICAL SCHOOL TUITION SET ASIDE FOR CERTAIN LOAN REPAYMENTS. The governing boards of each medical unit of an institution of higher education shall cause to be set aside two percent of tuition charges for resident students registered in a medical branch, school, or college. The amount set aside shall be transferred to the comptroller of public accounts to be maintained in the state treasury for the sole purpose of repayment or cancellation of student loans of physicians serving in designated state agencies or economically depressed areas of the state as specified in this chapter or other provisions of this code.

SECTION 18. The Coordinating Board, Texas College and University System, shall conduct a study of the operation of the Texas Public Educational Grant Program in conjunction with other student financial aid programs to determine the adequacy of the programs in meeting the financial aid requirements of students attending public institutions of higher education in this state. The coordinating board shall present a report of its findings in the study to the 70th Legislature.

SECTION 19. The change in Section 54.207, Education Code, made by this Act does not affect the validity of actions taken by the State Board of Education under that section in anticipation of the 1985-1986 academic year.

SECTION 20. This Act applies only to tuition for courses and to funds set aside for Texas Public Educational Grants from tuition for courses beginning with the fall semester, 1985, and thereafter. Tuition for courses and funds set aside for Texas Public Educational Grants from tuition for courses beginning before the fall semester, 1985, are governed by the laws in effect on January 1, 1985, and those laws are continued in effect for that purpose.

SECTION 21. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

JONES
BROOKS

The amendment was read.

Senator Parmer offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend the Floor Amendment No. 1 as follows:

(1) Add Section 56.055 to Subchapter D, Chapter 56, Education Code, added by Section 15 of the bill, to read as follows:

Sec. 56.055. DEFERRED REPAYMENT. (a) It is the goal of this state that no resident be denied the opportunity to receive an education in a public institution of higher education due to a lack of financial ability. Accordingly, on a finding that a resident would be deprived of an education due to a lack of financial ability, an institution shall defer repayment of emergency loans under this section. The deferral provided for by this section is not a property right of the borrower.

(b) The deferred repayment must begin on the earlier of the following dates:

(1) the first day of the ninth month after the last month in which the borrower was enrolled in a public institution of higher education; or

(2) the fifth anniversary of the date on which the loan was executed.

(c) Under rules adopted by the coordinating board, an institution may extend the time for repayment of undergraduate loans made to students who later enroll in a graduate or professional program at an institution of higher education. The coordinating board shall adopt guidelines for determinations of extreme financial hardship and other instances in which the public interest is served if a loan is forgiven. Each institution shall forgive loans in accordance with those guidelines.

(2) Add Subsection (c) to Section 15 of the bill to read as follows:

(c) From any funds appropriated by the legislature for the fiscal year beginning September 1, 1985, into a contingency fund to assist institutions of higher education that suffer reductions in the amount identified in the appropriations act as "Estimated Other Education and General Funds," a total amount not to exceed \$1 million shall first be allocated for emergency loans under Subchapter D, Chapter 56, Education Code, to institutions that exhaust both emergency loan funds under that subchapter and Texas Public Education Grant funds under Subchapter C, Chapter 56, Education Code. The Coordinating Board, Texas College and University System, by rule shall provide for the allocation of those funds among eligible institutions in a manner that provides each institution with the opportunity for an equitable share.

The amendment was read and was adopted by unanimous consent.

Floor Amendment No. 1 as amended was then adopted by unanimous consent.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.H.B. 1147 by adding two new sections to the bill as follows and by numbering them accordingly:

SECTION ____ Section 151.423, Tax Code, is amended to read as follows:

Sec. 151.423 Reimbursement to Taxpayer for Tax Collections

A taxpayer may deduct and withhold one percent of the amount of taxes due from the taxpayer on a timely return as reimbursement for the cost of collecting the taxes imposed by this chapter. The comptroller shall provide a card with each form distributed for the collection of taxes under this chapter. The card may be inserted by the taxpayer with the tax payment to provide for contribution of all or part of the reimbursement provided by this section for use as Student Financial Assistance Grants offered under Chapter 56, Education Code. If the taxpayer chooses to contribute the reimbursement for the student grants, the taxpayer shall include the amount of the reimbursement contribution with the tax payment. The comptroller shall transfer money contributed under this section for student grants to the appropriate fund.

SECTION ____ In addition to other funds appropriated for that purpose, funds transferred under section 151.423, Tax Code, as amended by this Act, are appropriated to the Coordinating Board, Texas College and University System for the purpose of making Student Financial Assistance Grants under Chapter 56, Education Code.

The amendment was read and was adopted by unanimous consent.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 24, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Whitmire, Williams.

Nays: Barrientos, Kothmann, Mauzy, Santiesteban, Truan, Uribe, Washington.

COMMITTEE SUBSTITUTE SENATE BILL 870 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 870, Relating to temporary court orders relating to residence of a spouse, to the duration of protective orders, and to attorney's fees in family violence cases.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 870 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 870** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed.

HOUSE BILL 248 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 248, Relating to missing children and missing persons.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 248**, Sec. 74.003(b), by adding Subdivision (7) as follows:

(7) provide personal identification packets for every child in Texas. The identification packets will have instructions for answering questions pertaining to: child identification, the receiving of medical and dental records, taking a hair sample, updating photographs, and utilizing local law enforcement agencies for

professional fingerprinting. In implementing this function, the clearinghouse may request the assistance of law enforcement agencies, the Central Education Agency, and private groups.

The amendment was read.

On motion of Senator Parker and by unanimous consent, Committee Amendment No. 1 was tabled.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

Amend H.B. 248 on page 3 as follows:

- (1) On line 30, strike "and".
- (2) On line 31, strike the period and substitute ", and a description of the clothing worn when last seen.".
- (3) On line 38, strike "and".
- (4) On line 39, between "characteristics" and the parenthesis insert ", and a description of the clothing found on the body".

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 248 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 248 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 84 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 84, Relating to criminal law magistrates for district courts.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Kothmann asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 84 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 84 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Kothmann, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Kothmann.

COMMITTEE SUBSTITUTE SENATE BILL 940 ON SECOND READING

Senator Washington asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 940, Relating to the location of community homes for disabled persons.

There was objection.

Senator Washington then moved to suspend the regular order of business and take up **C.S.S.B. 940** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Glasgow, Jones, Montford.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 940** by adding a new subsection (e) under SECTION 3 on page 1 to read as follows:

(e) A family home may not be established within one-half mile of a previously existing family home.

The amendment was read and was adopted.

On motion of Senator Washington and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 706 ON SECOND READING

Senator Sarpalius asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 706, Relating to permit requirements for conducting certain fishing tournaments and to the disposition of permit fees; providing penalties.

There was objection.

Senator Sarpalius then moved to suspend the regular order of business and take up C.S.S.B. 706 for consideration at this time.

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of the Members present)

Yeas: Brown, Caperton, Farabee, Glasgow, Henderson, Jones, Kothmann, Mauzy, Montford, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Barrientos, Blake, Brooks, Edwards, Harris, Howard, Krier, Leedom, Lyon, McFarland, Parker, Sharp.

SENATE BILL 792 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 792, Relating to the regulation of vendors on certain public beaches.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend **S.B. 792**, SECTION 1, Section 61.168, (b), by deleting the subsection and substituting the following:

"(b) Notwithstanding Section 61.169 of this subchapter, on a finding that a beach is too narrow and too crowded to allow a vendor to traverse the beach while doing business, the department shall deny a license under Subsection (a) of this section but may grant a license that permits the applicant to conduct his business on that beach for the purposes set forth therein at the times and for the period, and only at the specific location specified in that license. The department is further authorized to charge a license fee for any such license which fee shall be commensurate with the benefit bestowed upon the license through the use of the public easement for business purposes."

The amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 792 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 792** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 547 ON SECOND READING

Senator Caperton asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 547, Relating to the provision for spousal maintenance after the dissolution of certain marriages or putative marriages; adding Subchapter E to Chapter 3, Family Code.

There was objection.

Senator Caperton then moved to suspend the regular order of business and take up **S.B. 547** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Barrientos, Blake, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Krier, Leedom, Lyon, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brooks, Brown, Henderson, Kothmann, Mauzy, McFarland, Montford.

Absent: Harris.

The bill was read second time.

Senator Caperton offered the following committee amendment to the bill:

Amend **S.B. 547**, SECTION 1, by amending the first sentence of Subsection (b) of Section 3.82 to read as follows:

“(b) Notice of a motion to modify maintenance and the response thereto, if any, is governed by the Texas Rules of Civil Procedure applicable to the filing of an original lawsuit. Notice shall be given by service of citation, and any response shall be in the form of an answer due at or before 10 a.m. of the Monday next after the expiration of 20 days after the date of service.”

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 547 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 547** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brooks, Henderson, Kothmann, Mauzy, Washington.

Absent: Harris.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Brooks, Brown, Henderson, Kothmann, McFarland, Mauzy and Montford asked to be recorded as voting "Nay" on the final passage of the bill.

MEMORIAL RESOLUTIONS

S.R. 363 - By Montford, Lyon: Memorial resolution for Dr. J. W. Proctor.

S.R. 364 - By Montford, Sarpalius: Memorial resolution for Terry Lloyd Colston.

H.C.R. 159 - (Henderson): Memorial resolution for Michael F. West.

H.C.R. 183 - (Mauzy): Memorial resolution for Judge Sarah T. Hughes.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 92 - (Farabee): Extending congratulations to Mrs. Betty Jo Hay, President-elect, National Mental Health Association.

H.C.R. 182 - (Whitmire): Honoring recipients of the 1985 Texas Arts Award.

H.C.R. 186 - (Caperton): Honoring Frank Wardlaw.

S.C.R. 141 - By Caperton: Recognizing superlative accomplishments of Frank H. Wardlaw.

S.R. 360 - By Brown: Recognizing contributions of Lions Clubs throughout Texas.

S.R. 361 - By Farabee: Extending welcome to Barwise Junior High School eighth grade students.

S.R. 362 - By Sarpalius: Proclaiming May 1 through May 7 as H.U.G.S. Week.

S.R. 365 - By Montford: Extending congratulations to Mrs. Sue Samson.

S.R. 366 - By Caperton: Extending welcome to Dr. Lonnie G. Hermann, Capitol Physician for the Day.

RECESS

On motion of Senator Mauzy, the Senate at 12:30 o'clock p.m. took recess until 8:15 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(April 30, 1985)

S.B. 416 (Effective immediately)

S.B. 433 (Effective August 26, 1985)

S.B. 443 (Effective immediately)

S.B. 491 (Effective immediately)

S.B. 641 (Effective immediately)

H.B. 330 (Effective August 26, 1985)

H.B. 967 (Effective immediately)